IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.21 Of 2003.

M/s. Cimmco Birla Ltd., Bharatpur

Versus

Shri Hari Shankar

Date Of Order ::: 14.12.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. S.S. Hora, Counsel for defendant-appellant
Mr, N.S. Chauhan, Counsel for plaintiff-respondent

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondent filed a suit for declaration to declare his date of birth as 14.02.1941 in place of 02.07.1938 and for consequential benefits.

Learned trial Court after considering the evidence available on record, recorded a finding that the correct date of birth of the plaintiff is 14.02.1941 and consequently granted a decree. Being aggrieved with the same, an appeal was preferred by the

defendant. The cross objection was also filed by plaintiff in respect of issue, which was decided against him. The First Appellate Court affirmed the finding of the Lower Court and also allowed the cross-objection filed by the plaintiff.

I have heard the learned counsel for both the parties.

The question of date of birth is purely a question of facts and there is a concurrent finding of facts by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.